

Date

Mrs. Tracy Wells  
610 Mooney Ave.  
Hammond, LA 70403

**Re: Docket No. 2022-041  
Advisory Opinion**

Dear Mrs. Wells:

The Louisiana Board of Ethics ("Board"), at its March 4, 2022 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics ("Code") would prohibit you from qualifying as a candidate in the Mayor's race for the City of Hammond while your spouse, Devon Wells, serves as a Hammond City Councilman.

### **FACTS PROVIDED**

You stated that your husband, Devon Wells, currently serves as a Councilman for the City of Hammond. Councilman Wells intends to seek re-election to his position in the future. You would like to run for election as Mayor for the City of Hammond.

### **LAW**

**La. R.S. 42:1112B(1)** states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

**La. R.S. 42:1120** provides that if an elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which would be a violation of R.S. 42:1112, he shall recuse himself from voting. An elected official who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter provided that he makes the disclosure of his conflict or potential conflict a part of the record of his agency prior to his participation in the discussion and debate and prior to the vote that is the subject of discussion or debate.

### **CONCLUSION**

There are no provisions in the Code which prohibit spouses from running as candidates for elected office to the same political subdivision.

However, in the event you are both elected to positions with the City of Hammond, you and your spouse will be prohibited by La. R.S. 42:1112B(1) from participating in any transaction involving

the City of Hammond in which either of you have a substantial economic interest. You would need to recuse yourself from participating in such matters pursuant to La. R.S. 42:1120.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Louisiana Board of Ethics issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

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Suzanne Quinlan Mooney  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.